IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 18665 of 2004

Between:

Gudla Padmavathi, W/o. Pandu Ranga Swamy,
Srikakulam, Srikakulam District.

..... PETITIONER

AND

1 The Commissioner of Prohibition & Excise, Govt. of A.P., Hyderabad.
2 The Superintendent (Prohibition and Excise), Srikakulam, Srikakulam

District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ of Mandamus or any other appropriate writ, order or direction declaring action of the 2nd respondent in not implementing the order of the 1st Respondent in Cr.No.16744/2004/CPE/G2 dt. 07.09.2004 duly permitting the petitioner to obtain I.L.17 Licence to run the Bar & Restaurant under the name and style of M/s. Gupta Bar & Restaurant at Arasavilli Junction, Srikakulam, Srikakulam District as illegal and arbitrary.

Counsel for the Petitioner: MR.K.CHIDAMBARAM

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court at the admission stage made the following:

ORDER:

The first respondent herein by order dated 07.09.2004 accorded permission to the second respondent-Superintendent (Prohibition and Excise), Srikakulam, for issuing a licence in Form IL-17 in favour of the petitioner and two others under the name and style of M/s. Gupta Bar & Restaurant for the year 2004-05 with effect from 30.09.2004 subject to payment of licence fee. The first respondent also directed the second respondent to take necessary action in the matter as per the Rules.

The grievance of the petitioner is that in spite of the fact that he has complied with all the necessary requirements, the second respondent has not issued the necessary licence and consequently the petitioner is unable to commence the business.

As can be seen from Rule-26 of A.P. Indian Liquor & Foreign Liquor Rules, 1970, the 2nd respondent is competent to grant a Bar licence in Form IL-17 subject to such directions or instructions as may be issued by the Commissioner of Excise. In the light of the said statutory provision and having heard the learned counsel for the

petitioner and the learned Government Pleader for Prohibition and Excise appearing for the respondents, the writ petition is disposed of with a direction to the second respondent to implement the order of the first respondent dated 07.09.2004 subject to the condition that all the requirements as per the Statutory Rules are complied with.

Accordingly, the writ petition is disposed of. No costs.

14.10.2004

VGB

To

1 The Commissioner of Prohibition & Excise, Govt. of A.P., Hyderabad.
2 The Superintendent (Prohibition and Excise), Srikakulam, Srikakulam

District.

3 2CCs to the Government Pleader for Prohibition and Excise, High

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